



California Regional Water Quality Control Board

Los Angeles Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

Los Angeles Regional Water Quality Control Board

Minutes of the December 14, 1998 Board Meeting U.S. Court of Appeals Building, 125 S. Grand Avenue, Pasadena

INTRODUCTION

1. The meeting was called to order by Chairman Slezak at 9:05 a.m.

Board Members Present

Jack Coe, Charlotte Craven, Michael Keston, Marilyn Lyon, H. David Nahai, John Slezak.

Board Members Absent

None

Staff Present

Dennis Dickerson, Jorge Leon, James Kuykendall, Debbie Smith, Catherine Tyrrell, David Bacharowski, Wendy Phillips, Rod Nelson, Arthur Heath, Wayne Chiou, Jonathan Bishop, Rick Vergets, Ahmad Lamaa, Keith Elliott, Robyn Goodman, Ronji Harris, Daniel Piroton, Elizabeth Erickson

Others Present

Jim Colbaugh, Las Virgenes Municipal
Water District (LVMWD)
Gordon Knopp, LVMWD
Jacque Gamble, LVMWD
Ken Rufner, LVMWD
John Mundy, LVMWD
Hal Helsley, LVMWD
Brad Glassman, LVMWD
Glen Peterson, LVMWD
Ann Dorgelo, LVMWD
Norm Buehring, LVMWD
Randal Orton, LVMWD
Sin Cheung, LVMWD
Mark Gilmartin, Golden West Refining Co.

Robert Gallagher, Ventura Cty. Env. Health
Division
Dana Wisehart, United Water Conservation
District
Eric Bergh, Calleguas Municipal Water
District
Steve Bachman, United Water
Conservation District
Alex Palmer, RAMCO Newhall
Lisa Anderson, Metropolitan Water District
of Southern CA (MWDSC)
Jeff Kightlinger, MWDSC
Robert Spurgin, MicroSeptec, Inc.
Bill Wilson, Algalita Marine Research
Foundation

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Kris Flaig, City of Los Angeles
June Nguyen, LA County Sanitation Districts
David Kagan, Malibu Township Council
Joe Deakin, Triunfo Sanitation District
Mike Mullin, City of Los Angeles
Laura Plotkin, Honorable Sheila Kuehl
Fazi Mofidi, LA County DPW
Steven Braband, BioSolutions, Inc.
Didacus Ramos, Consultant
Harry Peacock, City of Malibu
Victor Peterson, City of Malibu
Craig George, City of Malibu
Jack Petralia, LA County DHS
Larry Young, City of Malibu
George Payba, City of Los Angeles
Ronald Roque, City of Los Angeles

Christi Hogin, City of Malibu
David Reznick, Malibu Bay Company
Lucia McGovern, WBMWD
Mary Frampton, Save our Coast
Dan Block, Lunita Partners
Paul Tantet, BioSolutions, Inc.
Alex Helperin, NRDC
Glenn Howe, LACDPW
Sharon Rubalcava, BFI
Les Bateman, LAW/Crandall, Inc.
Dan Ramino, CCA
Mark McDonald, Main San Gabriel Basin Watermaster
Jacqueline Lambrichts, Friends of LA River
Steve Fleishli, Heal the Bay
Steve Bachman, United Water Conservation District
Jane Bray, Bray Consulting
Dave Hermanson, E.F. Oxnard, Inc.
Terry Tamminen, Santa Monica BAYKeeper
Angela Franklin, City of Los Angeles
Menerva Daoud, LACDPW
Lowell Preston, Ventura County Water Resources District
Jan Fambro, LACDPW
Ray Tahir, City of Irwindale
Margot Feuer, Save Open Space
Jim Dodenhoff, BFI

Pledge of Allegiance.

1. Roll Call.

A roll call was taken with all members present.

2. Order of Agenda.

The Executive Officer, Dennis Dickerson, recommended the following changes to the agenda:

- *Hear item 17 immediately after the lunch break.*

MOTION: By Ms. Craven, seconded by Mr. Coe and approved on a voice vote.

3. Approval of Regular Minutes of November 2, 1998.

A motion was made to adopt the minutes.

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MOTION: By Ms. Craven, seconded by Mr. Coe and approved on a voice vote.

4. Consideration of 1999 Board Meeting Schedule.

The Board was asked to adopt the 1999 Board Meeting Schedule. Mr. Slezak made a motion to adopt the calendar with a revision of adding an additional meeting to the calendar in mid-June which will provide a total of 10 regular meetings.

MOTION: By Mr. Slezak, seconded by Ms. Craven and approved on a voice vote.

5. Adoption of the Regional Board's 1997/98 Annual Report.

Dennis Dickerson gave introductory remarks thanking staff for their efforts in completing the report and asked the Board to consider adopting it. A motion was made to adopt the report.

MOTION: By Mr. Slezak, seconded by Ms. Lyon and approved on a voice vote.

6. Uncontested Items Calendar.

Speaker cards were submitted for uncontested items 8.1 – 8.4 and these items were pulled off the consent calendar for discussion but are listed below for information purposes.

A motion was made to hear items 8.1 – 8.4 after the adoption of the consent calendar and during the Public Forum item.

MOTION: By Mr. Nahai, seconded by Ms. Craven, and approved on a voice vote.

NPDES PERMITS

Renewal

- 8.1 Edgington Oil Company, Long Beach, CA0057363 (*pulled*)
- 8.2 Ball-Foster Glass Container Corporation, El Monte, CA0000884 (*pulled*)
- 8.3 The Celotex Corporation, Los Angeles, CA0001899 (*pulled*)
- 8.4 Pabco Paper, Vernon, CA0057274 (*pulled*)

Rescission

- 8.5 Capital & Counties U.S.A., Inc., Los Angeles, CA0053848
- 8.6 Union Station Gateway Inc. (S.E. of Macy Street & Vignes Street), CA0063134
- 8.7 James Ratkovich Real Estate & Associates (The Pacific Condominiums), Long Beach, CA0061867
- 8.8 Shell Oil Company (Shell Station WIC 204-4155-0405), Lakewood, CA0062774

NON-NPDES PERMITS

Rescission

- 9.1 Deleted
- 9.2 City of Los Angeles, Department of Water & Power (Pendleton Street Landfill), Los Angeles, 72-93
- 9.3 TCW Realty, 88-05
- 9.4 Sunlin, Incorporated, West Hollywood, 86-073, 87-022
- 9.5 Texaco Refining, Torrance, 90-049
- 9.6 Arco Petroleum, Culver City, 87-018
- 9.7 General Motors, South Gate, 88-004
- 9.8 Arco Products, Los Angeles, 92-001
- 9.10 Dixie Diesel, Ventura, 91-064
- 9.11 Unocal, Santa Fe Springs, 82-007
- 9.12 US Forest Service, Gorman, 92-029
- 9.13 Thrifty Oil, Long Beach, 91-067
- 9.14 Voit Warner, Los Angeles, 95-069
- 9.15 Ventura County Public Works, 95-071

There was a motion to adopt the consent calendar as items 8.5 – 8.8, 9.2 – 9.15

MOTION: By Ms. Craven, seconded by Ms. Lyon and approved on a voice vote.

PUBLIC FORUM

7. Public Forum.

Dan Romano, representative for Comstock, Crosser & Associates Development Co., Inc. (CCA), gave a presentation to the Board regarding a proposed Prospective Purchaser Agreement (PPA) submitted by them. He requested the PPA be placed on the agenda for the January 25, 1999 regular meeting.

Jacqueline Lambrichts, Friends of the Los Angeles River (FOLAR) gave a presentation to the Board responding to U.S. EPA's request to comment on the 303D List of 35 Urban Streams which flow into the San Francisco Bay. She expressed concerns that Diazinon has been located in the San Francisco Bay waterbodies and most likely in the Los Angeles Region's waterbodies also. She asked the Board to incorporate the analysis into the monitoring programs for the Municipal Stormwater permit.

Terry Tamminen, Santa Monica BAYKeeper, gave a presentation to the Board informing them of a news article (Press-Telegram, 11/23/98) published. The article summarized the concern of a 10-inch pipe owned by Oil Operators, Inc. that has leaked oil and waste water

into the LA River at least 7 times since 1990. Mr. Tamminen asked the Board to conduct an investigation on this matter.

Mark McDonald, Legal Counsel for the Main San Gabriel Basin Watermaster gave a presentation to the Board regarding Azusa Landfill Reclamation (ALR) Co. He indicated that ALR submitted their closure workplan on December 11th. He informed the Board that he would be providing future comments to them after he reviews the closure plan.

Items 8.1 – 8.4 were heard together. Wayne Chiou gave a staff presentation informing them of the permit histories. There were no dischargers present to respond to board questions. Wayne indicated that item 8.2 was revised based on the discharger's comments that their new system recently allows the waste water to be held on sight rather than discharged. Mr. Coe requested that in future permits which are before the Board for renewal, that staff include in the findings: 1)reason for renewal; and 2) what changes in the permit are being recommended.

Jacqueline Lambrichts, FOLAR gave a presentation to the Board expressing her concerns of the permits, particularly 8.1 8.3, 8.4. She indicated that these permits do not specify a submittal date for the required SWWRP plan. She asked that the permits be revised to include this information and toxicity limits be included.

Wayne Chiou asked the Board to adopt items 8.1, 8.3, 8.4 with these requested changes (90 days to submit a SWWRP plan), and item 8.2 as revised. A motion was made to adopt items 8.1, 8.3, 8.4 as recommended by staff and adopt item 8.2.

MOTION (items 8.1, 8.3, 8.4): By Mr. Nahai, seconded by Ms. Craven and approved on a voice vote.

MOTION: (item 8.2) By Ms. Craven, seconded by Ms. Lyon and approved on a voice vote.

ENFORCEMENT ISSUES

The Executive Assistant read the opening statement for all enforcement issues being heard and the Chairman gave the oath to those testifying before the Board.

10. Administrative Civil Liability (ACL) Complaints Against the Las Virgenes Municipal Water District (LVMWD) for discharges of treated wastewater from the Tapia Water Reclamation Facility.

10.1 ACL Complaint No. 98-079 issued on October 8, 1998.

10.2 ACL Complaint No. 98-091 issued on November 25, 1998.

Prior to hearing item 10, Mr. Slezak and Mr. Coe expressed their concerns of having a conflict of interest for this particular item and asked Jorge Leon, Legal Counsel to determine if they should be recused. Mr. Leon recommended Mr. Coe not participate and

recuse himself from the hearing, and determined that there was no conflict of interest by Mr. Slezak and that he could participate in the hearing.

Dennis Dickerson gave the staff presentation and requested the Board consider staff's recommendation to affirm the ACLs as follows:

10.3 - (ACL Complaint No. 98-079): issued to cover discharges during the month of September. The penalty assessed was \$70,000, with \$50,000 of this amount payable through a supplemental environmental project;

10.4 - (ACL Complaint No. 98-080): issued to cover discharges during the month of October. The penalty assessed was \$122,000, with \$100,000 of this amount payable through a supplemental environmental project.

Jim Colbaugh, General Manager, LVMWD gave a presentation to the Board asking them to rescind the fines proposed, but if the Board feels it necessary to affirm any fines, that the fines fund the district's \$850,000 project. He also asked that the Board provide ample time to comply with the order.

The following persons also testified before the Board as part of the district's presentation:

- 1. John Mundy, Director of Operations, LVMWD*
- 2. Randal Orton, Water Conservations, LVMWD*
- 3. Eric Bird, Calleguas Water District (representing Don Kendall)*
- 4. Joe Deakin, General Manager, Triunfo Sanitation District*
- 5. Hal Helsley, Board Member, LVMWD*
- 6. Ken Ruthedher, Board Member, LVMWD*
- 7. Gordon Knopp, Board Member, LVMWD*
- 8. Ann Dorgelo, Board Member, LVMWD*
- 9. Glenn Peterson, Board Member, LVMWD*

Jim Colbaugh answered questions of the Board and the following persons also testified before the Board:

David Beckman, NRDC

Steve Fleishli, Heal the Bay

Captain Terry Tamminen, Santa Monica BAYKeeper

Jacqueline Lambrichts, Friends of the Los Angeles River (FOLAR)

Jim Colbaugh gave his rebutted comments and staff answered questions of the Board.

The Chairman closed the public hearing. After discussion of the Board, a final motion was made to affirm items 10.1 and 10.2 by imposing a fine at the rate of \$1,000 per day plus staff costs totaling \$18,000 for the September discharges and \$20,000 for the October discharges, totaling \$38,000. 25% would go to the State Cleanup and Abatement account and 75% for SEPs.

MOTION: By Ms. Craven, seconded by Ms. Lyon and approved on a roll call vote.

Roll Call Vote:

Craven	Y	Nahai	N	Y = 4
Keston	Y	Slezak	Y	N = 1
Lyon	Y			

Motion Passed.

The Board convened for a closed lunch session at 12:20 p.m. and the meeting reconvened at 1:30 p.m.

11. Oxnard Forebay Septic Systems.

Chairman Slezak declared the hearing open and gave the oath to persons testifying before the Board.

Rick Vergets gave the staff presentation asking the board to adopt a resolution providing direction to staff to address the issue of septic systems in the Oxnard Forebay, including the communities of El Rio and Strickland Acres, and a portion of the City of Oxnard. Mr. Vergets also asked the Board to consider options, including the preparation of a formal septic tank prohibition for adoption at a future board meeting, or the preparation of alternative plans to address nitrate impacts in the Oxnard Forebay. Wendy Phillips answered questions of the Board.

The following persons testified before the Board:

*Bill Wilson, Algalita Marine Research Foundation
 Steven Braband, Waste Water Consultant
 Steven Bachman, United Water Conservation District
 Lowell Preston, Ventura County Water Resources*

After discussion of the Board, a motion was made to adopt the resolution with the following revision: [delete the words "to the extent allowed by Regional Board funding resources" – Paragraph 2, and the recitals to be renumbered starting at No. 5, 6, and ending at 7.

MOTION: By Mr. Keston, seconded by Ms. Craven, and approved on a roll call vote.

Coe	Y	Lyon	Y	
Craven	Y	Nahai	Y	Motion Passed.
Keston	Y	Slezak	Y	

12. Malibu Creek Watershed Resolution.

Chairman Slezak declared the hearing open and gave the oath to persons testifying before the Board. Wendy Phillips gave a staff presentation asking the Board to adopt a Resolution that recognizes the array of water quality concerns associated with the Malibu Creek Watershed. She also asked the Board to provide direction to staff to consider measures, including but not limited to the prohibition of new septic systems in the City of Malibu, issuance of an ACL to the City of Malibu, and the comprehensive regulation of existing multi-family and commercial septic systems.

The following persons also testified before the Board:

Harry Peacock, City Manager, City of Malibu

Vic Peterson, City of Malibu

Craig George, City of Malibu

Larry Young, City of Malibu

Margot Feuer, Save Open Space, Santa Monica Mountains

Mary Frampton, Save Our Coast (representing Joanne House, Mayor, City of Malibu)

David Reznick, Malibu Bay Company

Bill Wilson, Algalita Marine Research Foundation, Representative for Surfrider Foundation

David Kagon, Resident, City of Malibu

Alex Helperin, NRDC

Steve Fleishli, Heal the Bay

Chairman Slezak declared the hearing closed. Mr. Coe made a motion to adopt the Resolution based on staff's recommendation.

MOTION: By Mr. Coe, seconded by Ms. Craven, and approved on a voice vote.

OTHER BUSINESS

13. Consideration of New Waste Discharge Requirements and a Resolution Authorizing the Executive Officer to Execute the Prospective Purchaser Agreement for the RAMCO Newhall Company (Former Newhall Refinery Site).

Dennis Dickerson recommended the Board continue this item until a future board meeting for the purpose of addressing ongoing legal issues still unresolved. The Board continued this item.

14. Consideration of a Resolution Authorizing the Executive Officer to Execute the Prospective Purchaser Agreement (PPA) for the Golden West Refining Company and the Golden Springs Development Company, LLC (West Tank Farm Zones D₁ & D₂).

Dennis Dickerson recommended waiving the staff presentation due to the lateness of time. However, the Board did consider the agenda item. Mr. Dickerson informed the Board that the language is the same as previous PPAs. Mr. Nahai expressed his concerns with the title language of the PPA and asked for clarification of the official property transfer date.

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Mark Gilmartin, Representative for Golden West Refining Company, gave a presentation to the Board and addressed Mr. Nahai's concerns.

A motion was made to adopt the proposed PPA with the two minor amendments:

*Amend the title of the document to read "Prospective Purchaser Agreement".
Include in the record that there is a closing that is imminent.*

MOTION: By Mr. Nahai, seconded by Ms. Craven, and approved on a voice vote.

15. Consideration of a Resolution Authorizing the Delegation of Specified Responsibilities to the Regional Board Employees of the Santa Monica Bay Restoration Project.

Steve Fleishli, Heal the Bay, asked the Board to continue this item until a future meeting. Staff concurred with his recommendation and the item was continued.

Informational Items Nos. 18 – 21 were continued until a future regular Board Meeting.

22. Executive Officer's Report

Dennis Dickerson did not add anything to the report.

CLOSED SESSION

23. Closed Session

The Board paused for a Closed Session at 12:20 p.m. to discuss litigation matters. The Board reconvened at 1:20 p.m.

24. Adjournment of Current Meeting.

The meeting adjourned at 6:15 p.m, and the current Board Members attended a Past Board Member Dinner Event to honor all past Board Members of the Los Angeles Region.

The next regular meeting is on January 25, 1999 at the U.S. Court of Appeals Building in the City of Pasadena, 125 Grand Avenue.

Minutes adopted at the _____ Regular Board Meeting as submitted.

Written and submitted by: _____

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